

EXHIBIT A

IN THE CIRCUIT COURT OF GREEN COUNTY, MISSOURI

RACHEL HOLLOWAY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2031-CC00003
)	
ALBA FREIGHT LINES, INC.)	
)	
Defendants.)	

**DEFENDANT ALBA FREIGHT LINES INC'S
NOTICE OF FILING NOTICE OF REMOVAL**

I hereby certify that a copy of the Notice of Removal in the above-styled action has been filed in the United States District Court of the Western District of Missouri, on this 2nd day of October, 2020.

A copy of the Notice of Removal is attached hereto as Exhibit 1.

Respectfully submitted,

/s/ James A. Jarrow

James R. Jarrow MO #38686
John A. Watt MO #52516
BAKER STERCHI COWDEN & RICE, L.L.C.
2400 Pershing Road, Suite 500
Kansas City, MO 64108
Telephone: (816) 471-2121
Facsimile: (816) 472-0288
Email: jarrow@bscr-law.com
 jwatt@bscr-law.com
ATTORNEYS FOR DEFENDANT
ALBA FREIGHT LINES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of October, 2020, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court, using the Court's electronic filing system, which will send notification of the following to all counsel of record.

/s/ James R. Jarrow

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY
Plaintiff

VS.

ALBA FREIGHT LINES, INC.
Defendant

)
)
)
)
)
)
)

PETITION

PLAINTIFF, by counsel, sets forth her Petition against Defendant as follows:

1. The events giving rise to this cause of action occurred in Greene County, Missouri.
2. Plaintiff is a natural person residing in Greene County, Missouri.
3. Defendant is a corporation with its primary place of business at 5940 W. Touhy Ave., Ste. 202, Niles, IL 60714.
4. On or about October 6, 2019 at between 4:00 and 5:00 pm, Plaintiff was operating her car westbound on I-44 in Greene County, Missouri.
5. At that same time and place an employee or agent of Defendant was operating a truck owned or operated by Defendant and bearing Defendant's identification.
6. At that time and place, Defendant's employee swerved his truck into Plaintiff's lane of traffic, causing the truck to strike Plaintiff's car.
7. As a result of the truck striking Plaintiff's car, Plaintiff's car was forced off the highway and into the traffic median.
8. The truck striking Plaintiff's car caused damage to Plaintiff's car.
9. At that time and place, Defendant's employee was negligent in the operation of Defendant's truck, in one or more of the following manners:
 - a. In failing to give a proper turn signal.
 - b. In changing lanes without checking to see if the lane was clear.
 - c. In failing to exercise a high degree of care in operating the truck.
10. In striking Plaintiff's vehicle and forcing Plaintiff off the road, Defendant caused damage to Plaintiff in that Plaintiff was placed in immediate fear of bodily injury.
11. Defendant's actions caused mental and emotional distress to Plaintiff.

12. Said distress was medically significant.

13. Defendant's driver knew or should have known that his actions were likely to cause a risk of harm to Plaintiff.

14. As a result of Defendant's actions, Plaintiff has suffered lost income and lost earning ability.

15. Defendant's actions were made with reckless indifference or evil motive.

WHEREFORE Plaintiff prays the court for judgment against Defendant for Plaintiff's damages, lost income, costs, punitive damages, and such other relief as is just and proper.

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
Raymond Lampert, #57567
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330
Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff




IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 2031-CC00003
Plaintiff/Petitioner: RACHEL HOLLOWAY	Plaintiff's/Petitioner's Attorney/Address: RAYMOND BENJAMIN LAMPERT 2847 S INGRAM MILL RD STE A-100 SPRINGFIELD, MO 65804
Defendant/Respondent: ALBA FREIGHT LINES INC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: ALBA FREIGHT LINES INC Alias: 5940 W TOUHY AVE STE 202 NILES, IL 60714  COURT SEAL OF GREENE COUNTY	You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action. <div style="display: flex; justify-content: space-between;"> <div> <u>01/02/2020</u> Date </div> <div> <u>/S/ THOMAS R. BARR BY ADN</u> Clerk </div> </div>
---	---

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____.

Served at _____ (address)
 in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



SHERIFF'S OFFICE OF COOK COUNTY, ILLINOIS
AFFIDAVIT OF SERVICE



CASE NUMBER: 2031CC00003

MULT.SER. 1

DOC. TYPE: SUMMONS

DIE DATE: 01/23/2020

RECEIVED DATE: 1/13/2020
12:00:00 PM

FILED DATE: 01/02/2020

DIST: 714 SK

DEFENDANT

ALBA FREIGHT LINES INC
5940 W TOUHY AVE
NILES, IL 60714
STE 202

PLANTIFF

HOLLOWAY, RACHEL

ATTORNEY

LAMPERT LAW OFFICE LLC
2847 S INGRAM MILL RD STE A 100
SPRINGFIELD, MO 65802
(417) 886-3330

FOREIGN

22

ATTACHED FEE AMOUNT:

SERVICE INFORMATION:

I CERTIFY THAT I SERVED THE DEFENDANT/RESPONDENT AS FOLLOWS:

(1) PERSONAL SERVICE:

BY LEAVING A COPY OF THE WRIT/ORDER WITH THE DEFENDANT/RESPONDENT PERSONALLY, AND INFORMING DEFENDANT/RESPONDENT OF CONTENTS.

(2) SUBSTITUTE SERVICE:

BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH A FAMILY MEMBER OR PERSON RESIDING THERE, 13 YEARS OR OLDER, AND INFORMING THAT PERSON OF THE CONTENTS OF THE SUMMONS. ALSO, A COPY OF THE SUMMONS WAS MAILED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE ON THE _____ DAY OF _____ 20____

(3) UNKNOWN OCCUPANTS:

BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT NAMING "UNKNOWN OCCUPANTS" WITH A PERSON OF THE AGE OF 13 OR UPWARDS OCCUPYING SAID PREMISE.

(4) CORP/CO/BUS/PART:

BY LEAVING THE APPROPRIATE NUMBER OF COPIES OF THE SUMMONS, COMPLAINTS, INTERROGATORIES, JUDGMENTS, CERTIFICATIONS AND NOTICES WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT CORPORATION _____ COMPANY _____ BUSINESS _____ PARTNERSHIP _____

(5) PROPERTY RECOVERED:

NO ONE PRESENT TO RECEIVE ORDER OF COURT. ORDER POSTED IN PLAIN VIEW.

(6) S.O.S./D.O.I.:

BY LEAVING THE SUMMONS AND COMPLAINT WITH THE SECRETARY OF THE STATE/DIRECTOR OF INSURANCE OF THE STATE OF ILLINOIS, AN AGENT OF SAID DEFENDANT LISTED ABOVE. ANY AGENT OF SAID CORPORATION NOT FOUND IN THE COUNTY OF COOK.

(7) CERTIFIED MAIL

***** COMPLETE THIS SECTION IF WRIT IS A THIRD PARTY CITATION/GARNISHMENT *****

(8) AND BY MAILING ON THE _____ DAY OF _____ 20____ A COPY OF THE THIRD PARTY GARNISHMENT/CITATION SUMMONS AND NOTICE TO THE JUDGMENT DEBTOR'S LAST KNOWN ADDRESS AS INDICATED IN THE NOTICE WITHIN (2) BUSINESS DAYS OF SERVICE UPON GARNISHEE/THIRD PARTY DEFENDANT.

THE NAMED DEFENDANT WAS NOT SERVED FOR THE GIVEN REASON BELOW:

- | | | |
|--|---|---|
| <input type="checkbox"/> (01) NO CONTACT | <input type="checkbox"/> (05) WRONG ADDRESS | <input type="checkbox"/> (09) DECEASED |
| <input type="checkbox"/> (02) MOVED | <input type="checkbox"/> (06) NO SUCH ADDRESS | <input type="checkbox"/> (10) NO REGISTERED AGENT |
| <input type="checkbox"/> (03) EMPTY LOT | <input type="checkbox"/> (07) EMPLOYER REFUSAL | <input type="checkbox"/> (11) OUT OF COOK COUNTY |
| <input type="checkbox"/> (04) NOT LISTED | <input type="checkbox"/> (08) CANCELLED BY PLAINTIFF ATTY | <input checked="" type="checkbox"/> (12) OTHER REASON (EXPLAIN) |

EXPLANATION:

vacant unit

WRIT SERVED ON: _____

SEX: M / F

RACE: _____

AGE: _____

THIS *21*

DAY OF

Jan, 20 *20*

Thomas J. Dart

SHERIFF, BY: *Vaughn*

DEPUTY

ATTEMPTED SERVICES

DATE

TIME (AM/PM)

STAR #

1-21

11:57am

11220

DST421




IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 2031-CC00003
Plaintiff/Petitioner: RACHEL HOLLOWAY	Plaintiff's/Petitioner's Attorney/Address: RAYMOND BENJAMIN LAMPERT 2847 S INGRAM MILL RD STE A-100 SPRINGFIELD, MO 65804
vs.	
Defendant/Respondent: ALBA FREIGHT LINES INC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Alias Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: ALBA FREIGHT LINES INC Alias: R/A MARSID XEKA 8224 W CATINO TERR NILES, IL 60714  COURT SEAL OF GREENE COUNTY	You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action. <div style="display: flex; justify-content: space-between;"> <div> <u>02/03/2020</u> Date </div> <div> <u>/S/ THOMAS R. BARR BY ADN</u> Clerk </div> </div>
---	---

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____.

Served at _____ (address)
 in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY
Plaintiff

VS.

ALBA FREIGHT LINES, INC.
Defendant

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)

Case No. 2031-CC00003

REQUEST FOR ALIAS SUMMONS

PLAINTIFF, by counsel, hereby requests the Clerk to issue an alias summons in this matter for service on Defendant's Registered Agent as follows:

Alba Freight Lines, Inc.
Reg. Agt. Marsid Xeka
8224 W. Catino Terr.
Niles, IL 60714

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
Raymond Lampert, #57567
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330
Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff



SHERIFF'S OFFICE OF COOK COUNTY, ILLINOIS

AFFIDAVIT OF SERVICE

BUSINESS

CASE NUMBER: 2031CC00003

MULT.SER. 1

DOC. TYPE: SUMMONS ALIAS

DIE DATE: 02/25/2020

RECEIVED DATE: 2/19/2020
12:00:00 PM

FILED DATE: 02/03/2020

DIST: 714 SK

DEFENDANTALBA FREIGHT LINES INC
8224 W CATINO TERR
NILES, IL 60714**PLANTIFF**

HOLLOWAY, RACHEL

ATTORNEYRAYMOND BENJAMIN LAMPERT OF LAMPERT
LAW LLC
2847 N INGRAM MILL RD STE A 100
SPRINGFIELD, MO 65804
(417) 886-3330**ATTACHED FEE AMOUNT:****SERVICE INFORMATION: RA MARSID XEKA****I CERTIFY THAT I SERVED THE DEFENDANT/RESPONDENT AS FOLLOWS:****(1) PERSONAL SERVICE:**

BY LEAVING A COPY OF THE WRIT/ORDER WITH THE DEFENDANT/RESPONDENT PERSONALLY, AND INFORMING DEFENDANT/RESPONDENT OF CONTENTS.

(2) SUBSTITUTE SERVICE:

BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH A FAMILY MEMBER OR PERSON RESIDING THERE, 13 YEARS OR OLDER, AND INFORMING THAT PERSON OF THE CONTENTS OF THE SUMMONS. ALSO, A COPY OF THE SUMMONS WAS MAILED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE ON THE _____ DAY OF _____ 20____.

(3) UNKNOWN OCCUPANTS:

BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT NAMING "UNKNOWN OCCUPANTS" WITH A PERSON OF THE AGE OF 13 OR UPWARDS OCCUPYING SAID PREMISE.

(4) CORP/CO/BUS/PART:

BY LEAVING THE APPROPRIATE NUMBER OF COPIES OF THE SUMMONS, COMPLAINTS, INTERROGATORIES, JUDGMENTS, CERTIFICATIONS AND NOTICES WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT CORPORATION _____ COMPANY _____ BUSINESS _____ PARTNERSHIP _____

(5) PROPERTY RECOVERED:

NO ONE PRESENT TO RECEIVE ORDER OF COURT. ORDER POSTED IN PLAIN VIEW.

(6) S.O.S./D.O.I.:

BY LEAVING THE SUMMONS AND COMPLAINT WITH THE SECRETARY OF THE STATE/DIRECTOR OF INSURANCE OF THE STATE OF ILLINOIS, AN AGENT OF SAID DEFENDANT LISTED ABOVE. ANY AGENT OF SAID CORPORATION NOT FOUND IN THE COUNTY OF COOK.

(7) CERTIFIED MAIL

***** COMPLETE THIS SECTION IF WRIT IS A THIRD PARTY CITATION/GARNISHMENT *****

(8) AND BY MAILING ON THE _____ DAY OF _____ 20____ A COPY OF THE THIRD PARTY GARNISHMENT/CITATION SUMMONS AND NOTICE TO THE JUDGMENT DEBTOR'S LAST KNOWN ADDRESS AS INDICATED IN THE NOTICE WITHIN (2) BUSINESS DAYS OF SERVICE UPON GARNISHEE/THIRD PARTY DEFENDANT.**THE NAMED DEFENDANT WAS NOT SERVED FOR THE GIVEN REASON BELOW:**

(01) NO CONTACT

(05) WRONG ADDRESS

(09) DECEASED

(02) MOVED

(06) NO SUCH ADDRESS

(10) NO REGISTERED AGENT

(03) EMPTY LOT

(07) EMPLOYER REFUSAL

(11) OUT OF COOK COUNTY

(04) NOT LISTED

(08) CANCELLED BY PLAINTIFF ATTY

(12) OTHER REASON (EXPLAIN)

EXPLANATION: _____

WRIT SERVED ON: NSO 2

SEX: M / F

RACE: _____

AGE: _____

THIS 25 DAY OF Feb, 2020

Thomas J. Dart

SHERIFF, BY: Joe Lupano 11014, DEPUTY**ATTEMPTED SERVICES**

DATE

TIME (AM/PM)

STAR #

2-25-203:0811014



IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 2031-CC00003
Plaintiff/Petitioner: RACHEL HOLLOWAY	Plaintiff's/Petitioner's Attorney/Address: RAYMOND BENJAMIN LAMPERT 2847 S INGRAM MILL RD STE A-100 SPRINGFIELD, MO 65804
Defendant/Respondent: ALBA FREIGHT LINES INC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Alias Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **ALBA FREIGHT LINES INC**

Alias:

R/A MARSID XEKA
8224 W CATINO TERR
NILES, IL 60714

COURT SEAL OF



GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

02/03/2020

Date

/S/ THOMAS R. BARR BY ADN

Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
Non Est \$ _____
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

See the following page for directions to officer making return on service of summons.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY)	
Plaintiff)	
)	
VS.)	Case No. 2031-CC00003
)	
ALBA FREIGHT LINES, INC.)	
Defendant)	

MOTION FOR INTERLOCUTORY ORDER OF DEFAULT

PLAINTIFF, by counsel, moves the Court pursuant to Rule 74.05(b) for an interlocutory order of default and requests that that this matter be set for a hearing for a default judgment. In support of this Motion, Plaintiff states as follows:

Plaintiff attempted service on Defendant at its US DOT listed address at 5940 W. Touhy Ave., Ste. 202, Niles, IL 60714 on January 21, 2020. The service was non-est because the unit was vacant. A copy of the information from the US DOT is attached hereto as Exhibit 1.

Plaintiff then attempted service on Defendant via its Registered Agent at 8224 W. Catino Terr., Niles, IL 60714 on February 25, 2020. The service was non-est because the office had moved. A copy of the information from the Illinois Secretary of State is attached hereto as Exhibit 2.

WHEREFORE Plaintiff moves the Court to find that Defendant has defaulted, to enter an interlocutory order of default, and set this matter for a hearing on damages, and for such other relief as is just and proper.

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
 Raymond Lampert, #57567
 2847 S. Ingram Mill Rd., Ste A-100
 Springfield, MO 65804
 Phone: (417) 886-3330
 Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY
Plaintiff

VS.

ALBA FREIGHT LINES, INC.
Defendant

)
)
)
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Case No. 2031-CC00003

NOTICE OF HEARING

PLEASE TAKE NOTICE that Plaintiff will take up her Motion for an Interlocutory Order of Default on Tuesday, April 7 at 9:00 am via telephone.

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert

Raymond Lampert, #57567
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330
Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff




IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 2031-CC00003
Plaintiff/Petitioner: RACHEL HOLLOWAY	Plaintiff's/Petitioner's Attorney/Address: RAYMOND BENJAMIN LAMPERT 2847 S INGRAM MILL RD STE A-100 SPRINGFIELD, MO 65804
Defendant/Respondent: ALBA FREIGHT LINES INC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Alias Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: ALBA FREIGHT LINES INC Alias: 5940 W TOUHY AVE STE 202 NILES, IL 60714  COURT SEAL OF GREENE COUNTY	You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action. <div style="display: flex; justify-content: space-between;"> <div> <u>04/07/2020</u> Date </div> <div> <u>/S/ THOMAS R. BARR BY CR</u> Clerk </div> </div>
--	--

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY
Plaintiff

VS.

ALBA FREIGHT LINES, INC.
Defendant

)
)
)
)
)
)
)

Case No. 2031-CC00003

REQUEST FOR ALIAS SUMMONS

PLAINTIFF, by counsel, hereby requests the Clerk to issue an alias summons in this matter for service on Defendant as follows:

Alba Freight Lines, Inc.
5940 W. Touhy Ave.
Suite 202
Niles, IL 60714

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
Raymond Lampert, #57567
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330
Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff



IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI


Judge or Division: JASON R BROWN	Case Number: 2031-CC00003
Plaintiff/Petitioner: RACHEL HOLLOWAY	Plaintiff's/Petitioner's Attorney/Address RAYMOND BENJAMIN LAMPERT 2847 S INGRAM MILL RD STE A-100 SPRINGFIELD, MO 65804
vs.	
Defendant/Respondent: ALBA FREIGHT LINES INC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Alias Summons in Civil Case

The State of Missouri to: ALBA FREIGHT LINES INC
Alias:

ATTY JAMES JARROW
BAKER STERCHI COWDEN & RICE
2400 PERSHING RD STE 500
KANSAS CITY, MO 64108

COURT SEAL OF

GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

07/15/2020
Date

/S/ THOMAS R. BARR BY CR
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY
Plaintiff

VS.

ALBA FREIGHT LINES, INC.
Defendant

)
)
)
)
)
)
)

Case No. 2031-CC00003

REQUEST FOR ALIAS SUMMONS

PLAINTIFF, by counsel, hereby requests the Clerk to issue an alias summons in this matter for service on Defendant's attorney:

Alba Freight Lines, Inc.
Atty. James Jarrow
Baker, Sterchi, Cowden & Rice LLC
2400 Pershing Rd., Ste. 500
Kansas City, MO 64108

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
Raymond Lampert, #57567
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330
Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY)	
Plaintiff)	
)	
VS.)	Case No. 2031-CC00003
)	
ALBA FREIGHT LINES, INC.)	
Defendant)	

AMENDED MOTION FOR INTERLOCUTORY ORDER OF DEFAULT

PLAINTIFF, by counsel, moves the Court pursuant to Rule 74.05(b) for an interlocutory order of default and requests that that this matter be set for a hearing for a default judgment. In support of this Motion, Plaintiff states as follows:

Plaintiff attempted service on Defendant at its US DOT listed address at 5940 W. Touhy Ave., Ste. 202, Niles, IL 60714 on January 21, 2020. The service was non-est because the unit was vacant. A copy of the information from the US DOT is attached hereto as Exhibit 1.

Plaintiff then attempted service on Defendant via its Registered Agent at 8224 W. Catino Terr., Niles, IL 60714 on February 25, 2020. The service was non-est because the office had moved. A copy of the information from the Illinois Secretary of State is attached hereto as Exhibit 2.

Plaintiff then attempted to contact Defendant via Certified Mail at its listed address. The envelope was returned as undeliverable and unable to forward. A copy of the envelope is attached hereto as Exhibit 3.

Plaintiff has filed an Affidavit of Service with the Illinois Secretary of State affirming that Defendant's Registered Agent could not be found with reasonable diligence at the registered office of record. A copy of the envelope is attached hereto as Exhibit 4.

Plaintiff also forwarded copies of the Summons and Petition with a request for waiver of service to Defendant's attorney James Jarrow on July 15, 2020. A copy of the waiver is attached hereto as Exhibit 5.

WHEREFORE Plaintiff moves the Court to find that Defendant has defaulted, to enter an interlocutory order of default, and set this matter for a hearing on damages, and for such other relief as is just and proper.

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
Raymond Lampert, #57567
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330
Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that copies of this Motion were served via US Mail on Defendant's agent and attorney on this 17th day of August, 2020.

Served on:

Superior Risk Management, Inc.
Attn. Tammy Warn
6602 Owens Dr., Ste. 300
Pleasanton, CA 94588

Baker, Sterchi, Cowden & Rice
Atty. James Jarrow
2400 Pershing Rd., Ste. 500
Kansas City, MO 64108

IN THE CIRCUIT COURT OF GREEN COUNTY, MISSOURI

RACHEL HOLLOWAY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2031-cc00003
)	
ALBA FREIGHT LINES, INC.)	
)	
Defendants.)	

**DEFENDANT ALBA FREIGHT LINES, INC.'S MEMORANDUM IN OPPOSITION
TO PLAINTIFF'S AMENDED MOTION FOR INTERLOCUTORY
ORDER OF DEFAULT**

Defendant, Alba Freight Lines, Inc., ("Defendant" or "Alba") by and through the undersigned counsel and pursuant to Mo.R.Civ. 74.(b) and in Opposition to the Plaintiff's Amended Motion for Interlocutory Order of Default filed on or about August 17, 2020 states as follows:

1. This lawsuit was filed on or about January 2, 2020.
2. Defendant does not dispute that plaintiff mailed certain documents in the State of Illinois in an attempt to gain service of process.
3. However, the Illinois Secretary of State has not affirmed or approved any default at this time nor accepted any application made by the Plaintiff.
4. Missouri Rule of Civil Procedure 54.14 requires that personal service out of state be accomplished by complying with Rule 54.13(b) which requires service on a corporation's authorized agent.
5. Defendant is not in default because Defendant has never been served with process pursuant to Missouri law.

6. Defendant will be represented in this matter by the undersigned and the undersigned is prepared to accept service and file responsive pleadings in the matter pursuant to the Missouri Rules of Civil Procedure.

WHEREFORE, Defendant Alba Freight Lines, Inc., respectfully requests this court to not find the Defendant in default of the Missouri Rules of Civil Procedure, allow counsel for Defendant to accept service, file responsive pleadings and proceed with the litigation and for such other and further relief as the court deems just and proper in the circumstances.

Respectfully submitted,

/s/ John A. Watt

James R. Jarrow MO# 38686

John A. Watt MO# 52516

BAKER STERCHI COWDEN & RICE LLC

2400 Pershing Road, Suite 500

Kansas City, MO 64108

Tel: (816) 471-2121

Fax: (816) 472-0288

Email: jarrow@bscr-law.com

watt@bscr-law.com

ATTORNEYS FOR DEFENDANT

ALBA FREIGHT LINES, INC.

CERTIFICATE OF SERVICE

The foregoing was filed this 21st day of August, 2020 using the Court's electronic filing system, which will send a notification of filing to counsel of record.

/s/ John A. Watt

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY
Plaintiff

VS.

ALBA FREIGHT LINES, INC.
Defendant

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)
)
)
)

Case No. 2031-CC00003

REQUEST FOR ALIAS SUMMONS

PLAINTIFF, by counsel, hereby requests the Clerk to issue an alias summons in this matter for service on Defendant's attorney:

Alba Freight Lines, Inc.
Atty. John Watt
Baker, Sterchi, Cowden & Rice LLC
2400 Pershing Rd., Ste. 500
Kansas City, MO 64108

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
Raymond Lampert, #57567
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330
Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff



IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI


Judge or Division: JASON R BROWN	Case Number: 2031-CC00003
Plaintiff/Petitioner: RACHEL HOLLOWAY	Plaintiff's/Petitioner's Attorney/Address RAYMOND BENJAMIN LAMPERT 2847 S INGRAM MILL RD STE A-100 SPRINGFIELD, MO 65804
Defendant/Respondent: ALBA FREIGHT LINES INC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Alias Summons in Civil Case

The State of Missouri to: ALBA FREIGHT LINES INC
Alias:

ATTY: JOHN WATT
BAKER STERCHI COWDEN & RICE
2400 PERSHING RD STE 500
KANSAS CITY, MO 64108

COURT SEAL OF

GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

08/31/2020
Date

/S/ THOMAS R. BARR BY CR
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI


9/30/2020
20-fosu-2495
RECEIVED CIVIL PROCESS
2020 SEP -2 PM 2:59
(Date File Stamp)

Judge or Division: JASON R BROWN	Case Number: 2031-CC00003
Plaintiff/Petitioner: RACHEL HOLLOWAY	Plaintiff's/Petitioner's Attorney/Address RAYMOND BENJAMIN LAMPERT 2847 S INGRAM MILL RD STE A-100 SPRINGFIELD, MO 65804
Defendant/Respondent: ALBA FREIGHT LINES INC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Vehicular	

Alias Summons in Civil Case

The State of Missouri to: ALBA FREIGHT LINES INC
Alias:

ATTY: JOHN WATT
BAKER STERCHI COWDEN & RICE
2400 PERSHING RD STE 500
KANSAS CITY, MO 64108
COURT SEAL OF


GREENE COUNTY

08/31/2020
Date

/S/ THOMAS R. BARR BY CR
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____

☐ other: _____

CORPORATION/PARTNERSHIP - OFFICER/AGENT/PARTNER

I certify that I have served the within summons in Jackson County, Missouri, upon the within named defendant corporation ALBA Freight Lines INC, by delivering a copy of the summons and a copy of the petition to Rose Cummings, who said he/she was Receptionist.

Place of Service 2400 Pershing Rd STE 500 Kcmo 64108

Date of Service 9/4/2020

Time of Service 12:08 pm

DEPARTMENT OF CIVIL PROCESS
COURT ADMINISTRATOR'S OFFICE
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

BY Mandell Bottomer
DEPUTY

CIRCT 3032- 12/13

classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RACHEL HOLLOWAY)	
Plaintiff)	
)	
VS.)	Case No. 2031-CC00003
)	
ALBA FREIGHT LINES, INC.)	
Defendant)	

MOTION FOR PAYMENT OF SERVICE COSTS

PLAINTIFF, by counsel, moves the Court pursuant to Rule 54.16 of the Missouri Rules of Civil Procedure to order Defendant to pay the costs of service of process in this matter.

On April 8, 2020 counsel for Plaintiff mailed to Defendant at Defendant's last known address a request for waiver of formal service under Rule 56.14. A true and accurate copy of the waiver is attached hereto. Defendant did not sign and return the waiver.

On July 15, 2020 counsel for Plaintiff mailed to Defendant's counsel of record another request for a waiver of formal service under Rule 56.14. A true and accurate copy of the waiver is attached hereto. Defendant did not sign and return the waiver.

On September 4, 2020 Defendant's counsel accepted service of process on behalf of Defendant from the Jackson County Department of Civil Process. Plaintiff's counsel incurred \$36.00 in fees to achieve personal service on Defendant's agent.

Rule 54.16 requires the Court to order Defendant to pay the cost of personal service if Defendant has refused to waive personal service unless good cause is shown for not doing so.

WHEREFORE Plaintiff moves the Court to order Defendant to pay Plaintiff's counsel the \$36 in costs for service of process.

LAMPERT LAW OFFICE, LLC

By: /s/ Raymond Lampert
 Raymond Lampert, #57567
 2847 S. Ingram Mill Rd., Ste A-100
 Springfield, MO 65804
 Phone: (417) 886-3330
 Fax: (417) 886-8186
ray@lampertlaw.net
Attorney for Plaintiff